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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,041	04/19/2001	Michael D. Nelson	X-783 US	3626

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EXAMINER

FISCHER, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,041

Applicant(s)

NELSON, MICHAEL D.

Examiner

Andrew J. Fischer

Art Unit

3627

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1. Applicant's after final amendment filed June 24, 2005 has now been entered. Accordingly, claims 11-23 and remain pending.
2. This Office Action, the "Second Non Final Office Action" is given Paper No. 20060417.
3. All references in this Office Action to the capitalized versions of "Applicant" refers specifically the Applicant of record. References to lower case versions of "applicant" or "applicants" refers to any or all patent "applicants." Unless expressly noted otherwise, references to "Examiner" in this Office Action refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.
4. This Office Action is written in OACS. Because of this, the Examiner is unable to control formatting, paragraph numbering, font, spelling, line spacing, and/or other word processing issues. The Examiner sincerely apologies for these errors.

Claim Rejections - 35 USC §103

5. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 11-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Greene's , Production and Inventory Control Handbook, 3rd Ed., ("Greene") in view of (U.S.

Art Unit: 3627

4,641,108)(“Gill”); Bolotin (U.S. 6,732,853 B1); Dobler’s Purchasing and Supply Management, Text & Cases, 6th Ed (“Dobler”); and White’s How Computer’s Work. Greene disclose modern inventory control practices such as pulling specified volumes of a product from inventory (see e.g. the Dependent Demand pp 12.11 and 18.52) is needed for manufacturing, (Attributes of Bills of Material, Table 20.2, p 30.18; “Make to Order” and “Engineer to Order” of products, 12.18; Final Assembly Scheduling (12.45); “Materials” 3.6, “Routing” 4.3 of the materials; and Bill of Material Routings Chapter 5, 5.1-5.30 and using Inventory storage considerations such as); storing a plurality of configurations (“Make to Order” and “Engineer to Order” of products, 12.18); packaging the products for shipment (pp 21.3). While Greene discloses the item or product to make as a 65 foot sailboat mast, Greene does not directly disclose the products as an integrated circuit. Bolotin teaches how a programmable machine for integrated circuits would work in Greene’s environment while Gill teaches receiving and storing a plurality of configurations (truth table configurations), from a plurality of customers (C1, ~L26-50). Greene also defines items: Items are things that that manufacturer buys, builds, converts, or sells. P 30.11, (“Item Definition Data”). Item attributes may include various elements associated with the item, p 30.11-30.12. See also Inventory Control Attributes, Table 30.5, p 30.24; Attributes of Bills of Material, Table 30.2, p 30.18; Types of Inventory Attributes, Table 30.4, p 30.23; Customer Order Data required for Manufacturer of the Product, Table 30.6, p 30.27. Vital Records 2.18; Requirements and tools to Determine Accuracy, [p 2.19] and the Sources of Tangible Benefits therefrom [p 2.20].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Greene as taught by Gill and Bolotin and thereby change

Art Unit: 3627

the item of manufacture from sailboat masts to programmable integrated circuits. Such a modification would have implemented a modern inventory solution to the custom IC production hereby reducing inventory costs.

7. Dobler is cited simply to show manufacturing processes including inventory management that is which is old and well known in the art. White is cited simply to show the inherent features of computers, computer chips, and field gate arrays.

8. The Examiner maintains his position that Applicant is not his own lexicographer. This issue will not be further addressed by the Examiner.

9. The Examiner maintain his position that Applicant has not recited any product-by-process claim elements. This issue will not be further addressed by the Examiner.

Response to Arguments

10. Applicant's arguments filed have been fully considered but are moot in view of the new grounds of rejection.

11. Regarding Applicant's arguments with respect to Greene, Applicants arguments are not persuasive because the Examiner respectfully disagrees that Greene is complex reference. The Examiner has reviewed the reference in its entirety. In light of that review and because Greene is directed to inter alia students¹ and because the reference is at least 3 years prior to the effective filing date of this application, the Examiner maintains his position that Applicant is at least one of ordinary skill in the art (see the Second Non Final Office Action, paragraph no. 22) and that Greene simply discloses in detail the steps of "production" and "inventory control." Moreover,

¹ Greene, pp 1.3, ¶1.

Art Unit: 3627

Applicant has *not* stated which particular section, chapter, or diagram of Greene he does not understand. With all due respect, Greene, Dobler, and Chopra are basic references. Although they are lengthy, the length in this case is not related to complexity. The Examiner has spent many many hours reviewing the references and respectfully disagrees that they are complex.

12. Regarding Applicant's other arguments, such as request for a non-final action, the Examiner respectfully disagrees. See MPEP 706.07(a).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made final. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire three months from the mailing date of this action. In the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than six months from the date of this First Final Office Action.

14. References considered pertinent to Applicant's disclosure are listed on form PTO-892. All references listed on form PTO-892 are cited in their entirety.

15. Unless expressly noted otherwise by the Examiner or other USPTO official, the following four (4) citations to the Manual of Patent Examining Procedure ("MPEP") apply to

Art Unit: 3627

this Office Action *and* any future office action(s), communication(s), or other correspondence provided by the USPTO: MPEP citations to Chapter 2300 are from the MPEP 8th Edition, Rev. 4, October 2005; citations to Chapters 200-900, 1200-1400, and 1700-1900, 2100, 2200, 2600 are from the MPEP 8th Edition, Rev. 3, August 2005. MPEP citations to Chapters 100, 1000, 1100, 1500, 2000, 2500, and 2700 are from the MPEP 8th Edition, Rev. 2, May 2004. MPEP citations to Chapters 1600, 2300, 2400 are from MPEP 8th Edition, August 2001.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Andrew J. Fischer whose telephone number is (571) 272-6779.

18. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Andrew J Fischer
Primary Examiner
Art Unit 3627

AJF
April 17, 2006